

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMIE & ROBERT PELLIGRINI,	:	
INDIVIDUALLY and	:	
p.p.a. SAVERIO PELLIGRINI and MAXIMUS	:	
PELLEGRINO, minors	:	
	:	
v.	:	C.A. NO: 05-10387-NMG
	:	
BARBARA STRICKER-FRIEDMAN, M.D.,	:	
OB/GYN GROUP OF ATTLEBORO INC.,	:	
JOHN DOE, M.D., ALIAS, JANE DOE, M.D.,	:	
ALIAS and JOHN DOE CORPORATION, ALIAS	:	

PLAINTIFFS' COUNSEL'S MOTION TO WITHDRAW

Now come counsel for plaintiffs, Amato A. Deluca and Michael T. Eskey of DeLuca & Weizenbaum, Ltd., and hereby move this Honorable Court pursuant to LR, D. Mass. 83.5.2(c) for leave to withdraw from the case as plaintiffs' counsel. As grounds, counsel state as follows:

1. Critical issues have recently arisen during the course of representation which render it impossible for counsel to further represent plaintiffs.
2. Before filing this motion, counsel thoroughly discussed these issues with plaintiffs in a series of in-person and telephonic communications and made recommendations based thereon.
3. While plaintiffs initially approved those recommendations—which decision would have resulted in a course of action that would have obviated the within motion—when plaintiffs' counsel requested written confirmation, plaintiffs reconsidered, withdrew their assent, and now may seek to obtain the services of substitute counsel to represent their interests in this matter.
4. As such, counsel is informed and believes that the within motion is without opposition from plaintiffs.

5. Given that plaintiffs may seek to obtain the services of substitute counsel to represent their interests in this matter, a continuation of the trial date is sought on their behalf concomitant with granting counsel leave to withdraw.

6. Mindful of the privileged communications involved, counsel is unable to describe the issues that have arisen; counsel represents, however, that their nature is such that they preclude counsel from representing plaintiffs' interests as trial counsel in this action.

7. Counsel acknowledges the extraordinarily poor timing of the within motion and represent that every effort to obviate the necessity of withdrawal has been undertaken.

8. The within motion is brought for the foregoing reasons, and is not intended to delay consideration of this matter.

9. Concomitant with the filing of this motion, counsel served a copy on plaintiffs, by certified mail, return receipt requested.

10. Plaintiffs' counsel have conferred with defendants' counsel concerning the within motion and requested relief.

WHEREFORE, plaintiffs' counsel respectfully request that the Court grant the within motion, enter an order granting them leave to withdraw, and grant plaintiffs a reasonable continuance to allow them time to seek the services of substitute counsel.

DeLuca & Weizenbaum Ltd.,

s/ Amato A. DeLuca

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Dated: September 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have, this 10th day of September 2007, served a true copy of the within documents upon all concerned parties by mail, postage prepaid, addressed to:

Nancy L. Watson, Esq.
Ficksman & Conley, LLP
98 N. Washington Street, Suite 500
Boston, MA 02114

Mr. & Mrs. Robert Pelligrini (*via Certified Mail with Return Receipt*)
16 Thomas Leighton Blvd
Cumberland, RI 02864

s/ Amato A. DeLuca

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